

EXHIBIT 1

Case Number: PC-2021-03189
 Filed in Providence/Bristol County Superior Court
 Submitted: 5/5/2021 2:03 PM
 Envelope: 3087207
 Reviewer: Jaiden H.

STATE OF RHODE ISLAND
 PROVIDENCE, SC

SUPERIOR COURT

GAIL DeSIMONE-TELLA

Vs.

ARAMARK MANAGEMENT SERVICES
 LIMITED PARTNERSHIP

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:
:

C.A. No. 2021-

COMPLAINT
Parties and Jurisdiction

1. The Plaintiff, GAIL DeSIMONE-TELLA, is at all relevant times hereto a resident of the Town of North Providence, County of Providence, State of Rhode Island.

2. Upon information and belief, the Defendant, ARAMARK MANAGEMENT SERVICES LIMITED PARTNERSHIP (hereinafter referred to as "ARAMARK"), is a Delaware Limited Partnership organized and existing under the laws of the State of Delaware, and has its principal place of business in Philadelphia, Pennsylvania which is duly qualified and authorized to do business in the State of Rhode Island as ARAMARK MANAGEMENT SERVICES LIMITED PARTNERSHIP and under the fictitious name ARAMARK ServiceMaster Facility Services.

3. At all relevant times hereto, The City of Providence and/or The Providence School Department, was the owner of the premises located at 797 Westminster Street, Providence, Rhode Island, as well as the surrounding parking lots including "Parking Lot B" located in the City of Providence, State of Rhode Island.

4. At all relevant times hereto, Defendant, ARAMARK, was contractually obligated to maintain the buildings and/or exterior features, including but not limited to walk-ways, stairs, and parking lots of The Providence School Department including the building and/or any and all parking lots including "Parking lot B" at 797 Westminster Street, Providence, Rhode Island.

5. The amount in controversy is sufficient to invoke the jurisdiction of this Honorable Court.

FACTS

6. The Plaintiff hereby re-alleges and incorporates Paragraphs 1 through 5 of Plaintiff's Complaint as if fully set forth herein.

7. On or about May 7, 2018, Defendant, ARAMARK, was contractually obligated to maintain the buildings and/or exterior features, including but not limited to walk-ways, stairs,

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and parking lots of The Providence School Department including the building and/or any and all parking lots including "Parking lot B" at 797 Westminster Street, Providence, Rhode Island.

8. That on or about May 7, 2018, Plaintiff was an employee of the Providence School Department, performing her duties as an employee at the administration building of the Providence School Department located at 797 Westminster Street, Providence Rhode Island.

9. On or about May 7, 2018, while Plaintiff was walking to her vehicle lawfully parked at 797 Westminster street, in "Parking Lot B" behind said administration building of the Providence School Department at 797 Westminster street, Plaintiff slip and fell into a hole in the asphalt and/or concrete of "Parking Lot B" at 797 Westminster Street, Providence, Rhode Island.

10. At all relevant times hereto Plaintiff was exercising due care, where there were no warnings and/or signs that would have notified Plaintiff of the existence of such hole.

11. As a direct and proximate result of Plaintiff slipping and falling into said hole in the asphalt and/or concrete of "Parking Lot B" at 797 Westminster street, Providence, Rhode Island which was in the exclusive control of Defendant ARAMARK, Plaintiff was severely and permanently injured; sustained permanent scarring, suffered great pain of body and anguish of mind; was caused to incur expenses for medical treatment; suffered loss wages and loss of earning capacity, and was otherwise injured and damaged. Plaintiff sustained personal injuries which caused Plaintiff pain and suffering; and other direct and consequential damages; and was otherwise injured and damaged.

COUNT I

(NEGLIGENCE - ARAMARK MANAGEMENT SERVICES LIMITED PARTNERSHIP)

12. The Plaintiff hereby re-alleges and incorporates Paragraphs 1 through 11 of Plaintiff's Complaint as if fully set forth herein.

13. The Defendant, ARAMARK, had a contractual duty to keep the premises of the Providence School Department reasonably safe for a person lawfully on the premises, including but not limited to the maintenance of the grounds, including but not limited to fill and compact potholes in the concrete and asphalt of the exterior of 797 Westminster Street, Providence, Rhode Island.

14. Plaintiff was caused to slip and fall in "Parking Lot B" at the City of Providence's and/or The Providence School Department premises located at 797 Westminster Street, Providence, Rhode Island, as a direct and proximate result of the Defendant, ARAMARK's negligence in maintaining the premises.

15. Defendant, ARAMARK, knew or should have known of the condition of "Parking Lot B" located at 797 Westminster Street, Providence, Rhode Island prior to and at the time of

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the May 7, 2018, slip and fall and had adequate opportunity to correct the dangerous condition prior to said fall.

16. Defendant, ARAMARK, breached its duty to the Plaintiff by failing to correct said dangerous condition and failing to warn the Plaintiff of the dangerous condition.

17. As a direct and proximate result of Plaintiff slipping and falling into said hole in the asphalt and/or concrete of "Parking Lot B" at 797 Westminster street, Providence, Rhode Island which was in the exclusive control of Defendant ARAMARK, Plaintiff was severely and permanently injured; sustained permanent scarring, suffered great pain of body and anguish of mind; was caused to incur expenses for medical treatment; suffered loss wages and loss of earning capacity, and was otherwise injured and damaged. Plaintiff sustained personal injuries which caused Plaintiff pain and suffering; and other direct and consequential damages; and was otherwise injured and damaged.

18. At all times relevant hereto, the Plaintiff was in the exercise of due care.

WHEREFORE, Plaintiff demands judgment against the Defendant, ARAMARK, in a sum sufficient to confer jurisdiction upon this Honorable Court, plus interest and cost.

PLAINTIFF DEMANDS TRIAL BY JURY.

GAIL DeSIMONE-TELLA, Plaintiff,
By and through her attorney,

/s/ John J. DeSimone, Esq.
John J. DeSimone, Esq., #3373
DeSimone Law Offices
735 Smith Street
Providence, RI 02905
Ph: (401) 454-1400
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Dated: May 5, 2021

EXHIBIT 2

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

GAIL DeSIMONE-TELLA

Vs.

C.A. No. PC-2021-03189

ARAMARK MANAGEMENT SERVICES
LIMITED PARTNERSHIP

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S REQUEST FOR ADMISSIONS**

Now comes the Plaintiff, GAIL DeSIMONE-TELLA, by and through her attorney, and hereby responds to Defendant's Request for Admissions as follows:

Request 1:

Plaintiff's damages, if proven at trial, are valued at less than, or equal to, \$75,000.00, exclusive of interest and costs.

Response:

Denied.

Request #2:

Plaintiff's damages, if proven at trial, are valued in excess of \$75,000.00, exclusive of interest and costs.

Response:

Admitted.

GAIL DeSIMONE-TELLA, Plaintiff,
By and through her attorney,

/s/ John J. DeSimone, Esq.
John J. DeSimone, Esq., #3373
DeSimone Law Offices
735 Smith Street
Providence, RI 02905
Ph: (401) 454-1400 // Fax: (401) 454-1402
Email: jjd@desimonelaw.net

CERTIFICATION

I hereby certify that on this 31st day of August, 2021, a true copy of the within document was electronically filed and served the parties of record: David A. Brosnihan, Esquire at dbrosnihan@chartwelllaw.com. This document will be available for download/and or viewing from the Rhode Island Judiciary's electronic filing system.

/s/ John J. DeSimone, Esq.